

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL Nos.1353 and 959 OF 2016

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

These two appeals are preferred against the order passed by the Learned Single Judge in W.P. No.28096 of 2012 dated 23.12.2015. The respondents in these two appeals filed the said writ petitions questioning the failure of the Revenue Divisional Officer, East Division, Ranga Reddy District, to determine the market value of the lands held by the respondents-writ petitioners as per the basic value register maintained at the Office of the Sub-Registrar as on 5.9.2009, as arbitrary and illegal.

It is wholly unnecessary for us to refer to the facts in detail as they have, to the extent necessary, already been noted in the order under appeal. Suffice it to note that the respondent-writ petitioners claimed compensation on the basis of the market value prevailing as on 5.9.2009 for the lands assigned in their favour earlier. On an elaborate analysis of the various sale deeds, the learned Single Judge observed that the compensation paid to them of Rs.15.00 lakhs per acre was not with any mathematical precision; it had been paid taking into consideration various circumstances, namely, location, nature of the land, extent of the land and the value referred in the register etc; in the instant case, the value of the land was fixed at Rs.15.00 lakhs per acre by taking into consideration the sale transactions in Survey No. 117 which took place in the year 2006; the market value of certain transactions in Survey No.117, which took place in the year 2006, was fixed at Rs.25.00 lakhs per acre; the compensation determined as Rs.15.00 lakhs per acre was definitely on the lower side, and needed to be enhanced; and the writ petition was being disposed of enhancing the compensation from Rs.15.00 lakhs per acre to Rs.26,50,000/- per acre plus 30% solatium thereupon.

The submission of the learned Advocate General, for the State of Telangana, is that this Court, in proceedings under Article 226 of the Constitution of India, would not don the robes of the Revenue Divisional Officer to determine the market value of the land; and, in exercise of its power of judicial review, this Court would not substitute its views for that of the Revenue Divisional Officer.

Sri D. Prakash Reddy, learned Senior Counsel appearing on behalf of the respondents-writ petitioners, would submit that the market value, determined by the learned Single Judge, accords with the statistics referred to in the proceedings of the Revenue Divisional Officer dated 17.2.2012; and determination of market value by the learned Single Judge, on the basis of such sale statistics, cannot be said to be illegal. Learned Senior Counsel would submit that, in any event, as no reasons have been assigned by the Revenue Divisional Officer in fixing the market value of the subject lands as on 5.9.2009 at Rs.15.00 lakhs per acre, the Learned Single Judge was justified in setting aside the order passed by the Revenue Divisional Officer, and this Court should direct the R.D.O to re-determine the compensation payable on the basis of the market value of the land as on 5.9.2009.

While, initially, the learned Advocate General emphasised that the compensation to be paid to the respondents-writ petitioners should be on the basis of the market value of the assigned land on the date of the earlier notice of resumption dated 18.3.2006, he, thereafter, fairly conceded that, since the market value was determined under the impugned proceedings as on 5.9.2009, it is the market value prevailing on 5.9.2009 which should form the basis for determining the compensation to be paid to the respondent-Writ Petitioners, by the Revenue Divisional Officer.

While the impugned proceedings dated 17.2.2012 takes note of 111 sale transactions, during the three year period 2006-2008, the Revenue Divisional Officer, thereafter, confined his examination to 26

sale transactions which took place in Survey No.117. While 14 of these sale transactions were at around Rs.25.00 lakhs per acre, 12 of them were at 15.00 lakhs per acre. The Revenue Divisional Officer rejected the sale transactions, for a consideration of Rs.25.00 lakhs per acre, holding that the lands covered by these sales were not similar to the lands under alienation, and accepted the other twelve sale transactions for a consideration of Rs.15.00 lakhs holding that the lands covered by these sales appeared to be similar to the lands under alienation. Compensation cannot be determined on the mere *ipsi dixit* of the Revenue Divisional Officer. He was bound to assign reasons why he was of the view that the lands, covered by the fourteen sale transactions for a consideration of Rs.25.00 lakhs per acre, were not similar to the subject lands; and why the lands, sold for a consideration of Rs.15.00 lakhs per acre, were found to be similar. As no reasons are assigned in the order impugned in the writ petition, the learned Single Judge cannot be faulted in setting aside the impugned order of the R.D.O dated 17.2.2012.

We, however, find considerable force in the submission of the learned Advocate General that, in exercise of its powers of judicial review under Article 226 of the Constitution of India, this Court would not take upon itself the task of determining the market value of assigned lands, resumed by the Government, as these are matters which the Revenue Divisional Officer is required to determine. To the extent the learned Single Judge undertook the exercise of determining the compensation to be paid to the petitioners, the order under appeal must be, and is accordingly, set aside. The Revenue Divisional Officer, East Division, Ranga Reddy District, or any other competent authority, shall at the earliest, and in any event not later than three months from the date of receipt of a copy of this order, re-determine the compensation payable to the petitioners on the basis of the market value of the subject lands as on 5.9.2009. It is open to the respondents-writ petitioners to submit their representations bringing sale transactions, if any, which the

Revenue Divisional Officer failed to notice while passing the impugned order dated 17.2.2012, to his notice within four weeks from today. If any such representation is submitted, they shall be considered before a fresh order is passed determining the market value of the lands, and the compensation payable to the petitioners, as on 5.9.2009.

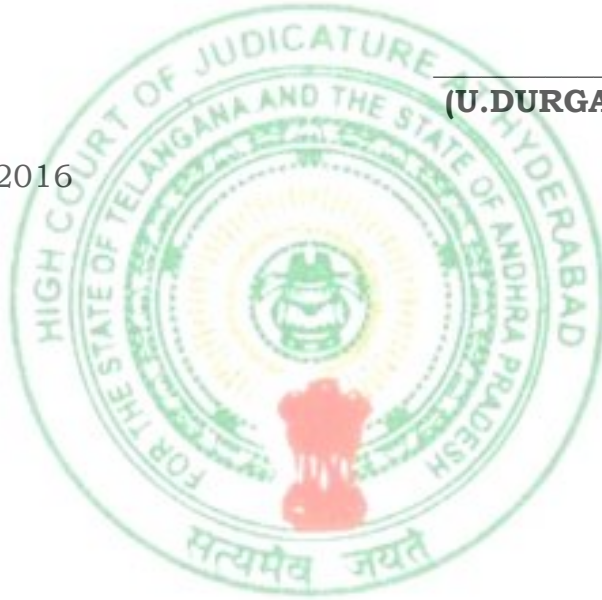
The writ appeals stand disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

15th December, 2016

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